



H.R. 3845 -- PROTECT Our Children Act of 2007

FLOOR SITUATION

H.R. 3845 is being considered on the House floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Debbie Wasserman Schultz (D-FL) on October 16, 2007. The bill was referred to the House Judiciary Committee, but was never considered.

H.R. 3845 is expected to be considered on the House floor on November 12, 2007.

**Note: Similar legislation (S. 1378) has been introduced in the Senate by Senator Joseph Biden (D-DE), but has not been considered.*

BACKGROUND

According to the legislation, research indicates that “among those arrested for possession of child pornography, 83 percent have images of children 6-12 years old, 39 percent have images of children 3-5 years old, and 19 percent have images of children under the age of 3 years old.”

**Note: The current definition of child pornography is (18 USC 2256) “any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.”*

Among other programs focused on protecting children on-line, is Project Safe Childhood (PSC), which is administered by the Department of Justice. This program aims to combat the proliferation of technology-facilitated sexual exploitation crimes against children through the collaboration of local, state, tribal and federal agencies. The program has a similar structure to the Project Safe Neighborhood, which is focused on the reduction of gun crime.

A complete list of federal statutes governing child pornography and enticement crimes can be found at: <http://www.projectsafechildhood.gov/appendixa.pdf>

SUMMARY

Office of Special Counsel for Child Exploitation Prevention and Interdiction

H.R. 3845 establishes the Office of Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General. The special counsel, who will be appointed by the Attorney General, will have a range of responsibilities, including coordinating the policies and strategies of Department for the prevention and investigation of child exploitation cases, pursuing memorandums of understanding with other agencies, and directing the ICAC Task Force Program (described below), directing the National Internet Crimes Against Children Data Network Center (described below), and directing the ICAC grant program (described below).

**Note: A list of all responsibilities of the Special Counsel is located in Section 101 of the bill.*

Internet Crimes Against Children Task Force

The bill establishes the Internet Crimes Against Children Task Force (ICAC) within the Office of Justice Programs in the Department of Justice. ICAC is comprised of state and local law enforcement task forces in each state. The purpose of the ICAC task forces is to increase prosecutions, training, investigations and awareness of internet crimes against children.

**Currently, the ICAC has 46 Federal, State, and local task forces across the nation. ICAC has been operating since 1998.*

National Internet Crimes Against Children Data Network Center

The bill establishes the National Internet Crimes Against Children Data Network Center, which will be used to assist the ICAC Task Force Program and agencies investigating child exploitation. The Center is required to develop and maintain an integrated technology and training program that provides:

- a secure online information-sharing system for use by ICAC Task Forces, Federal law enforcement agencies, and other State and local law enforcement agencies;
- a secure, online system for resolving case conflicts, for use by ICAC Task Forces, Federal law enforcement agencies, and other State and local law enforcement agencies;
- a secure data storage and analysis system for use by ICAC Task Forces, Federal law enforcement agencies, and other State and local law enforcement agencies;
- guidelines for the use of such Data Network by Federal, State, and local law enforcement agencies; and

- training and technical assistance on the use of such Data Network by Federal, State, and local law enforcement agencies.

The bill establishes the ICAC Data Network Steering Committee in order to provide guidance to the Center and help establish the Center's strategic plans. The steering committee will have eight members, from ICAC task forces, agencies, and other offices within the Department of Justice.

**Note: A complete list of Members can be found in section 105(d) of the bill.*

In order to establish, maintain, and operate the Center, the bill authorizes \$2 million for each of the fiscal years 2008 through 2015.

The bill authorizes the Office of Justice Programs to award grants to ICAC task forces. Of the funding for these grants, at least 75% is required to be distributed through a funding formula established by the Attorney General, which should provide each state with at least 0.75% of the funds and must take several factors into account, such as population, prosecutions and the number of cases and ongoing investigations. The remaining 25% will distributed based on need and will require 25% matching funds.

The grants can be used for hiring of personnel and investigators, training, establishing forensic laboratories, and to support investigations. Grant recipients are required to submit a report annually to the Attorney General outlining the current status of the task force, including staffing levels, investigations, and referrals to the U.S. Attorney's Office.

This bill requires the Attorney General to provide an annual report to Congress on the progress of the development of the ICAC Task Forces and the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

The bill authorizes the following amounts for the ICAC grant program and task forces:

- \$60,000,000 for fiscal year 2008;
- \$75,000,000 for fiscal year 2009;
- \$75,000,000 for fiscal year 2010;
- \$75,000,000 for fiscal year 2011;
- \$75,000,000 for fiscal year 2012;
- \$75,000,000 for fiscal year 2013;
- \$100,000,000 for fiscal year 2014; and
- \$100,000,000 for fiscal year 2015.

Additional FBI Agents

The bill authorizes the following amounts to hire full time FBI agents to work on child exploitation cases as part of the as part Innocent Images National Initiative at the FBI.

- \$20,000,000 for fiscal year 2008;

- \$20,000,000 for fiscal year 2009;
- \$25,000,000 for fiscal year 2010;
- \$25,000,000 for fiscal year 2011;
- \$25,000,000 for fiscal year 2012;
- \$25,000,000 for fiscal year 2013;
- \$25,000,000 for fiscal year 2014; and
- \$25,000,000 for fiscal year 2015.

Additional Immigration and Customs Enforcement Agents

The bill also authorizes \$15,000,000 for each of the fiscal years 2008 through 2015, for the Bureau of Immigration and Customs Enforcement to fund the hiring of full-time agents and analysts for the purpose of child exploitation and obscenity cases.

Forensic Laboratories

The bill authorizes use of funds to establish new regional computer forensic laboratories within the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation (FBI) or may increase capacity at existing laboratories. The Attorney General is required to submit an annual report describing how the funds were used.

Annual Report to Congress

The bill requires the Attorney General to report to Congress annually on resources being utilized by agencies to investigate and prosecute child exploitation and child obscenity cases.

COST

At the time of publication the Congressional Budget Office (CBO) had not yet scored this legislation.

STAFF CONTACT

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